

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti

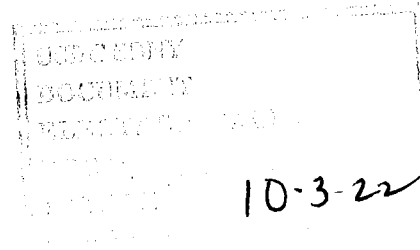
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TOBIA SACCHETTI,

Plaintiff,

v.

VILLAGE OF DOBBS FERRY and AGENT  
(A) JOHN #1, Police Officer,  
Defendants.  
-----X



**ORDER OF DISMISSAL**

22 CV 3793 (VB)

Plaintiff commenced this action pro se on May 6, 2022, indicating that he was currently incarcerated at Westchester County Jail. (Doc. #1). On May 10, 2022, the Court issued an Order directing plaintiff to pay the filing fee for this action or to submit an application to proceed in forma pauperis. (Doc. #2). Plaintiff filed his application to proceed in forma pauperis on May 31, 2022, which the Court granted on July 18, 2022. (Docs. ##3–5).

On July 19, 2022, the Court issued an Order of Service which, among other things, directed defendant the Village of Dobbs Ferry to ascertain the identity of the John Doe defendant in this action pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997), and directed plaintiff to file an amended complaint within thirty days of receiving the identity of the John Doe defendant from the Village. (Doc. #7).

The Order of Service directed the Clerk to mail a copy of the Order of Service as well as a pro se information package to plaintiff at the address on the docket. (Docs. ## 7, 9). This mailing was returned, with the following notation: “Return to Sender Not Deliverable As Addressed Unable To Forward, RTS, NOT HERE.”

On August 18, 2022, the Village filed a response to the Court’s Valentin Order identifying the John Doe defendant and providing an address where he may be served. (Doc. #10). The same day, the Court issued an Order directing plaintiff to file his amended complaint and update the Court in writing as to his current address by no later than September 18, 2022. (Doc. #11).

The August 18 Order warned plaintiff that the Court may dismiss this action if plaintiff failed to file his amended complaint or update the Court as to his current address by the September 18 deadline.

The August 18 Order was mailed to plaintiff at the address on the docket. However, on September 7, 2022, this mailing was returned with the following notation: "Return to Sender Refused Unable to Forward." On September 13, 2022, a second attempt at mailing the August 18 Order was returned with the following notation: "Return To Sender Attempted – Not Known Unable to Forward, RTS."

Plaintiff has not filed an amended complaint or notified the Court of any change of address. Moreover, a search of the Westchester County Department of Correction Inmate Lookup website and the New York State DOCCS Inmate Lookup does not generate a result for plaintiff. Therefore, the Court is unable to determine plaintiff's current address.

Accordingly, having considered all of the factors set forth in Lucas v. Miles, 84 F.3d 532 (2d Cir. 1996), the Court dismisses this case without prejudice pursuant to Fed. R. Civ. P. 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Clerk is instructed to close this case.

Dated: October 3, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge